

EXHIBIT 8

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(SOUTHERN DIVISION - SANTA ANA)

NETLIST, INC,)	CASE NO: 8:20-CV-00993-MCS-DFMx
)	
Plaintiff,)	CIVIL
)	
vs.)	Santa Ana, California
)	
SAMSUNG ELECTRONICS CO, LTD,)	Tuesday, July 13, 2021
)	
Defendant.)	

INFORMAL DISCOVERY CONFERENCE

BEFORE THE HONORABLE DOUGLAS F. McCORMICK,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:

JASON C. LO, ESQ.
RAYMOND A. LaMAGNA, ESQ.
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For Defendant:

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1 written objections on their RFPs are even due. We will
2 probably complete -- I would say near all; probably all that we
3 can find, at least at this stage. We're still, obviously,
4 looking, but we will have more substantial compliance, probably
5 overwhelming compliance with what we're getting out the door
6 before our written objections are even in their hands, within
7 the 30 days of their RFPs being served, because we've been
8 working on this from before they served the RFPs.

9 As I said to him, we are not limiting our search
10 efforts by search terms. Now, we are -- we have searched for
11 documents within the custodial set that include a reference to
12 Samsung. We are collecting and providing all emails with
13 relevant custodians that are sent to or from Samsung, you know,
14 related to this litigation without using -- other than needing
15 to identify that it's an email going to Samsung, but we are not
16 then further curating down those emails to exclude them based
17 on search terms.

18 One of the problems that we've had that Mr. Lee and I
19 disagree on is that Samsung would like to use search terms in a
20 way that I think disingenuously excludes documents. For
21 example, they would like to search for -- if they're looking
22 for Netlist orders, they want to look for -- or requests, they
23 want to look for the word "Netlist" within five words of the
24 word "order." And as I described to Mr. Lee, I said, well,
25 what if the email comes in and says, you know, "Dear Samsung,

1 because we've disclosed them. We cannot complain about
2 Netlist's search terms because they have not disclosed them.
3 If the standard here is just that both parties can conduct
4 their own diligent search, then we can get that started
5 immediately, and we can make the document production very
6 quickly.

7 **MR. LaMAGNA:** I don't -- and again, I don't know how
8 I can make this more plain. If I am looking for all documents
9 related to the relationship with Samsung, we're reviewing all
10 of these people's email for those documents. So, it's not
11 Samsung plus some other word. It's Samsung. It's all of the
12 documents that we have reviewers looking at. We started with a
13 terabyte of documents, of email documents, and I've had -- I
14 have had a team of a dozen reviewers working on going through
15 those documents for -- I don't know how long; six weeks? I
16 mean, we've been working diligently to try to screen through
17 and screen for privilege and et cetera those documents.

18 So, there isn't -- what Mr. Lee is setting up here is
19 a bit of a strawman argument. He's suggesting that there's
20 these search terms that we haven't identified for him. That's
21 because we are brute force going through all of the documents
22 that we think are potentially relevant and trying to make sure
23 that we are capturing everything that is potentially relevant
24 or responsive to this relationship. And I -- you know, I think
25 that you will see when we talk about final hit counts here or

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



August 5, 2021

Signed

Dated

TONI HUDSON, TRANSCRIBER